

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Benjamin Rodriguez,

Petitioner

v.

Clark County Detention Center, et al.,

Respondents

Case No. 2:22-cv-01355-JAD-NJK

**Order Dismissing Petition and
Closing Case**

[ECF No. 1-1]

Pro se Petitioner Benjamin Rodriguez filed his habeas petition without paying the \$5.00 habeas filing fee or submitting an application to proceed *in forma pauperis* (“IFP”).¹ I therefore ordered Rodriguez to either pay the \$5 filing fee or submit a complete IFP application with all required attachments by September 30, 2022.² In response, he filed an incomplete IFP application,³ so I gave Rodriguez one more chance to comply.⁴ He was warned that a failure to comply by submitting a complete IFP application or paying the filing fee by October 21, 2022, would result in the dismissal of this action without prejudice and without further advance notice.⁵ The October 21, 2022, deadline has expired, and the petitioner has not filed a completed IFP application, paid the \$5 filing fee, requested an extension of time, or taken any other action to prosecute this case.

IT IS THEREFORE ORDERED that Petitioner Benjamin Rodriguez’s Petition for Writ of Habeas Corpus **[ECF No. 1-1]** is **DISMISSED WITHOUT PREJUDICE** based on his failure to comply with the court’s orders [ECF Nos. 4, 6] or the local rules of practice. And

¹ ECF No. 1-1.

² ECF No. 4.

³ ECF No. 5.

⁴ ECF No. 6.

⁵ *Id.*

1 because jurists of reason would not find dismissal of the petition to be debatable or wrong, a
2 certificate of appealability is denied.

3 IT IS FURTHER ORDERED that the Clerk of the Court is instructed to:

- 4 • **FILE** the petition for a writ of habeas corpus [ECF No. 1-1].
- 5 • **DIRECT INFORMAL ELECTRONIC SERVICE** upon respondents under
6 Rule 4 of the Rules Governing Section 2254 Cases by adding Nevada Attorney
7 General Aaron D. Ford as counsel for respondents and sending a notice of
8 electronic filing to his office for the petition [ECF Nos. 1-1], this order, and all
9 other filings in this matter. No response is required from respondents other than
10 to respond to any orders of a reviewing court.
- 11 • **ENTER FINAL JUDGMENT** dismissing this action without prejudice and
12 **CLOSE THIS CASE.**

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15 U.S. District Judge Jennifer A. Dorsey
16 October 31, 2022
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